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JC10 Rec'd PCT/PTO 20 JUL 2005 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Akira NAKAGAWA et al.

Application No.: 10/533,158

Filing Date: April 28, 2005

Attorney Docket No.: 7388/84325

Confirmation No.: 2186

Customer No.: 42798

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- (X) **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under

37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ( ) **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
  - ( ) the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
  - or*
  - ( ) the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ( ) **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ( ) **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### **Copies of the References**

- (X) Copies of the references listed on the enclosed Form SB/08 are enclosed herewith.
- (X) A copy of the International Search Report is enclosed herewith.
- (X) An English translation of the International Preliminary Examination Report is enclosed herewith.
- ( ) A copy of the Supplementary European Search Report is enclosed herewith.
- ( ) The references listed on the enclosed Form PTO/SB/08 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner

is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1. 10/220,964	Sept. 6, 2002		X	
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ( ) The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ( ) The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ( ) The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- (X) **No fee** is owed by the applicant(s).
- ( ) The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- ☐ Attached is a check in the amount of \$180.00.
- ☐ Charge Deposit Account No. 06-1135, under Order No., in the amount of \$0.00. (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135. (A duplicate copy of this communication is enclosed for that purpose.)


**Instructions as to Overpayment**

- ☒ Credit Account No. 06-1135.
- ☐ Refund

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: **July 20, 2005**

  
Kendrew H. Colton  
Registration No. 30,368

*OFFICIAL CORRESPONDENCE TO*  
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PTO/SB/08a Substitute for Form 1449A/PTO			Application Number		10/533,156
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			Filing Date		April 28, 2005
			First Named		Akira NAKAGAWA
			Art Unit		Not Yet Assigned
			Examiner Name		Not Yet Assigned
Sheet	1	of	2	Attorney Docket	7388/84325

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup>			
		US-20030207286A1	11-06-2003	Nakagawara et al.	
		US-			
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### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup>				
		WO 01/66719 A1	09-13-2001	Chiba-Prefecture		
		WO 01/66733 A1	09-13-2001	Chiba-Prefecture		

Examiner Signature	Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

<b>PTO/SB/08a</b> Substitute for Form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Application Number</b>		10/533,158	
				<b>Filing Date</b>		April 28, 2005	
				<b>First Named</b>		Akira NAKAGAWA	
				<b>Art Unit</b>		Not Yet Assigned	
				<b>Examiner Name</b>		Not Yet Assigned	
<b>Sheet</b>	2	<b>of</b>	2	<b>Attorney Docket</b>		7388/84325	
<b>NON PATENT LITERATURE DOCUMENTS</b>							
<b>Examiner Initials*</b>	<b>Cite No.<sup>1</sup></b>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					<b>T<sup>2</sup></b>
		Akira NAKAGAWARA, "The gene which controls biology of neuroblastoma", Japanese Journal of Pediatric Medicine, Vol. 30, No. 2, 1998-2, pp. 143-148.					
		"Sounding board, regression of neuroblastoma IV-S: a genetic hypothesis", The New England Journal of Medicine, May 29, 1980					
		Akira NAKAGAWARA, "Topical topic, the NGF story and neuroblastoma", Medical and Pediatric Oncology, 31:113-115 (1998), 1998 Wiley-Liss, Inc.					
		"Expression and prognosis of TRK family receptor in neuroblastoma", Shoni Geka (Pediatric Surgery), Vol. 29, No. 3, 1997, pp. 425-432					
		"Genetic events in neuroblastoma", Molecular Medicine, Vol. 36, No. 4, 1999, pp. 366-372.					
		EGGERT, A. et al., "High-level expression of angiogenic factors is associated with advanced tumor stage in human neuroblastomas", Clinical Cancer Research, Vol. 6, 1900-1908, May 2000					
		GALLEGO, S. et al., "Differential polymerase chain reaction with serial dilutions for quantification of MYCN gene amplification in neuroblastoma", Anticancer Research, Vol. 18, pages 1211-1216 (1998)					
		S. YAMANE, "Gene expression of tumor rejection antigens recognized by cytolytic T lymphocytes in neuroblastoma-related tumors", Journal of Kyoto Prefectural University of Medicine, Vol. 108, No. 3, pp. 381-388 (1999)					
		The Sanger Centre, et al., "Toward a complete human genome sequence", Genome Research, Vol. 8, pp. 1097-1108 (1998)					
<b>Examiner Signature</b>					<b>Date Considered</b>		